IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.16666 of 2007

Between:
T.Padma Sekhar Reddy

….. PETITIONER

AND
The Executive Engineer (Roads & Buildings),
East Godavary District at Kakinada
And 2 others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.16666 of 2007

ORDER:

This writ petition is filed by the petitioner, seeking Writ of Mandamum, declaring the action of the respondents in proposing to dispossess the petitioner from the property in D.No.5-4/1 in Sy.No.18/1, situated at Kutukuluru village, Anaparthi Mandal, East Godavari District, without issuing notice or acquiring the land of the petitioner, as illegal, arbitrary and violative of principles of natural justice.

According to the petitioner, the respondents are proposing to lay a drain through the land of the petitioner. Since the respondents have not acquired the land of the petitioner, they have no right to lay a drain by dispossession the petitioner from the possession of the land to which he is the owner and possessor.

Though an interim order was granted by this Court on 03.08.2007, no counter was filed by the respondents. But the learned Government Pleader represented that the writ petition may be disposed of, directing the respondents to follow the procedure, contemplated under law, to take possession of the land of the petitioner, if his land is required for laying a drain or for any other purposes.

Accordingly, the respondents are directed not to dispossess the petitioner from his land, without following the due process of law, if the land of the petitioner is required for the respondents for laying a drain or for any other purposes.

The Writ Petition is, accordingly, disposed of. No order as to costs.

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S.ANANDA REDDY,J

Dated: 05.09.2007
Dsr